

W.P.A. 25870 of 2022

**Smt. Durga Rani Kamar
Vs.
The State of West Bengal & Ors.**

Mr. Srikanta Paul
Mr. Ashok Kumar Sardar
...for the petitioner

Mr. Malay Krishna De
Mr. Biswajit Dutta
...for the State

Mr. Suman Basu
...for the respondent no. 4
(on virtual mode)

Petitioner being the widow of a deceased teacher has preferred this writ petition claiming release of family pension. It has been submitted that the husband of the petitioner retired on 30th November, 2000 and died on 13th November, 2007. According to the petitioner after the death of her husband she is entitled to receive family pension.

Considering the claim of the petitioner Court directed the District Inspector of Schools (SE), South 24 Parganas to file a report in the form of affidavit. A report has been filed by the District Inspector of Schools (SE) today which was affirmed on 11th September, 2024 and the same is taken on record.

On perusal of the averments made in the report it appears the husband of the petitioner was under CPF Scheme who retired on 30th November, 2000 and died on

13th November, 2007. During lifetime of the husband option could not be exercised for switching over from CPF to General Provident Fund-cum-Gratuity Scheme. It is also disclosed in the report that husband died on 13th November, 2007 whereas in terms of the judgment dated 16th July, 2013 passed in APO No. 94 of 2009 (State of West Bengal & Ors. -vs- Abhijit Baidya & Ors.) delivered by the Hon'ble Special Bench Government notification was issued on 13th June, 2014 granting pensioners opportunity to exercise option. Since husband of the petitioner being the assistant teacher died on 13th November, 2007 the petitioner cannot exercise option for switching over from CPF to General Provident Fund-cum-Gratuity Scheme.

In view of above facts, no relief can be granted to the petitioner. Accordingly, the writ petition stands dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)